

**MINUTES
FREMONT CITY COUNCIL MEETING
APRIL 17, 2012
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- a. Call to Order:** Mayor Morrison called the meeting to order.
- b. Flag Salute:** Councilmember Dutra led the salute to the flag.
- c. Roll Call:** Present: Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
- d. Announcements by Mayor/City Manager**

2. CONSENT CALENDAR

- * **a. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * **b. Approval of Minutes** – None.

- * **c. Mayor Morrison opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont, Amending Various Sections and Repealing Section 8-22147.5 of Fremont Municipal Code Title VIII (Planning And Zoning), Chapter 2 (Zoning) Regarding Large Family Day Care Homes**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council adopted Ordinance No. 05-2012

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * d. **Mayor Morrison opened consideration of Adopt a Resolution Ordering the Preparation and Filing of the Annual Engineer's Report for Landscaping Assessment District 88 and Adopt a Resolution Stating the City Council's Intention to Levy Assessments for Landscape Assessment District 88 for Fiscal Year 2012/13**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council:

1. Adopted Resolution No. 2012-19 ordering the preparation and filing of the annual Engineer's Report for Landscaping Assessment District 88 for Fiscal Year 2012/13.
2. Adopted Resolution No. 2012-20 stating the intent of the City Council of the City of Fremont to levy and collect assessments for Fremont Landscaping Assessment District 88 for Fiscal Year 2012/13.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * e. **Mayor Morrison opened consideration of a Resolution Authorizing Fiscal Year 2012/13 Transportation Development Act (TDA) Article 3 Grant Application and Acceptance of the TDA Article 3 Funds for Citywide Bicycle Facilities Improvement Project**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council:

1. Adopted Resolution No. 2012-21 authorizing the City Manager, or his designee, (a) to apply for Transportation Development Act Article 3 Bicycle and Pedestrian Program Funds in the amount of \$167,042 for the Citywide Bicycle Facilities Improvement Project for FY 2012/13; and (b) to accept any awarded grant funds for the Project and to execute any necessary implementing documents.
2. Approved appropriation of any grant funds received to 107PWC8796, Citywide Bicycle Facilities Improvement Project.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * f. **Mayor Morrison opened consideration of Approval of Plans and Specifications and Award of Contract to Lowest Responsive and Responsible Bidder for 2012 Crack Seal Project, 8195-E (PWC)**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council:

1. Approved the plans and specifications for the 2012 Crack Seal Project, 8195-E (PWC).
2. Accepted the bid and award the construction contract for the 2012 Crack Seal Project, 8195-E (PWC), to the lowest responsive and responsible bidder, Rubberized Crackfiller Sealant, Inc., in the amount of \$297,400.00 and authorize the City Manager or designee to execute the contract.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * g. **Mayor Morrison opened consideration to Authorize the City Manager to Execute a Five-Year Lease Agreement with the State of California for a Total of 5,916 Square Feet of Office and Common Area Space for the Department of Rehabilitation Located at the Family Resource Center**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council authorized the City Manager or his designee to execute a five-year lease agreement as described in the staff report with the State Department of Rehabilitation for a total of 5,916 square feet of office and common area space located at the Fremont Family Resource Center.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * h. **Mayor Morrison opened consideration to Authorize City Manager to Approve an Agreement with Capital Accounting Partners to Update and Make Revisions to the Master (User) Fee Schedule, Overhead Cost Allocation Plans, and Fully Burdened Staff Rates, and Provide Annual Updates**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council authorized the City Manager (or his designee) to approve an agreement with Capital Accounting Partners, LLC for an initial amount of \$48,830, with the authority amend the contract to provide for periodic updates through FY 2018/19, at the City's option, for a total not-to-exceed amount of \$218,960.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None

Abstain: None

* i. **Mayor Morrison opened consideration to Authorize the City Manager to Execute a \$225,000 per year Contract for Copying and Printing Services with Bay Central Printing**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council authorized the City Manager, or his designee, to execute a three-year contract in an amount not to exceed \$225,000 per fiscal year with Bay Central Printing, Inc., with an option for the City Manager, or his designee, to execute up to two additional one-year extensions, each not to exceed \$225,000 per fiscal year, for copying and printing services.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

* j. **Mayor Morrison opened consideration of Authorization for the City Manager to Enter into an Agreement with the San Francisco Pride Celebration Committee to Allow the City to Officially Participate in the Pride Parade**

(This item removed from Consent Calendar). Mayor Morrison opened the item for public comment. Barbara Jue encourage Council to approve this item. There were no other speakers. Mayor Morrison closed public comment. There were no questions from Councilmembers.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council authorized the City Manager to enter into an agreement as described in the staff report with the San Francisco Lesbian, Gay, Bisexual, Transgender Pride Celebration Committee Inc., in order for the Human Relations Commission and other residents to participate, and officially represent the City, in the San Francisco Pride Parade.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

* k. **Mayor Morrison opened consideration of a Public Hearing (Published Notice) to Consider Modifications to Human Services Department Fees for Youth and Family Services, Aging and Family Services, Mobility and Transportation Services, and Family Resource Center Services and Rentals**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council held a public hearing and adopted Resolution No. 2012-22 to amend the Master Fee Schedule to update Youth and Family Services counseling fees; Family Resource Center family case management fees; Aging and Family Services (AFS) senior case management fees;

FRC and AFS Mental Health Service fees; FRC rental fees; and Mobility and Transportation Services fees as described in the staff report.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** I. Mayor Morrison opened consideration of a Public Hearing (Published Notice) on the Use of Federal Community Development Block Grant Funds for FY 2012/13 and FY 2013/14, Adoption of a Resolution Approving the FY 2012/13 CDBG Program Final Statement of Community Development Objectives and the FY 2012/13 Action Plan; and Authorizing the City Manager to Execute Agreements with the U.S. Department of Housing and Urban Development and CDBG Grantees**

(This item removed from Consent Calendar). Mayor Morrison opened the item for public comment. Dr. Hanif Salarzai and Ahmad Zamani (representing Afghan Care) expressed their need for funding which had been denied by the CDBG Committee. There were no other speakers. Mayor Morrison closed public comment. Staff responded to questions from Councilmembers.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Held a public hearing on the proposed FY 2012/13 CDBG Program Final Statement of Community Development Objectives and Projected Use of Funds.
2. Allocated CDBG funds for FY 2012/13 and FY 2013/14 in the amounts stated herein, contingent upon the respective adoption of the FY 2012/13 and FY 2013/14 budgets by the City Council.
3. Adopted Resolution No. 2012-23:
 - a. approving, and authorizing the City Manager or his designee to submit, the FY 2012/13 CDBG Program Final Statement of Community Development Objectives and Projected Use of Funds, and the CDBG Action Plan as recommended by the Citizens Advisory Committee and staff in the amounts stated herein;
 - b. authorizing the City Manager or his designee to execute a FY 2012/13 CDBG funding agreement with HUD; and
 - c. authorizing the City Manager or his designee to execute agreements effective July 1, 2012, with the grantees recommended for funding by staff and the Citizens Advisory Committee in the amounts set forth herein, contingent upon a finding of no significant impact in the corresponding environmental assessments and completion of the required public comment period as amended by HUD, and contingent upon adoption of the budget for FY 2012/13 and, if applicable, FY 2013/14.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

- a. Proclamation: Earth Day**
- b. Proclamation: April is Fair Housing Month**
- c. Proclamation: Supporting the Tri-Cities Ducks for Buck\$ Benefit Race Sponsored by the Kiwanis Club of Fremont**

4. PUBLIC COMMUNICATIONS

- a. Oral and Written Communications**

Linda Susoev expressed a variety of concerns.

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

7. OTHER BUSINESS

- a. Mayor Morrison opened consideration of an Update from City Staff on the Kimber Study Area**

Councilmember Chan recused herself from this item. Senior Planner Wayne Morris provided a brief presentation. Mayor Morrison opened the item for public comment. Steve Saray (Bella Vina development team) gave a presentation (see handout). Christina Broadwin (Save Kimber Park) shared various concerns. Paul Gumina (attorney for Bella Vina) expressed concerns for information provided by Save Kimber Park group. Tim Tran (Bella Vina) spoke about the benefit of development of Bella Vina. Sunil Dhar, April Ellebracht, Andrew Law, Laird Matthews, and Edward Wustenhoff (Save Kimber Park) spoke in favor of preserving the Kimber open space. There were no other speakers. Mayor Morrison closed public comment. Staff responded to questions from Councilmembers. City Council received the status report and provided feedback on the ongoing community outreach process, which the property owner requests to continue. City Council gave direction to staff on continued review of the development application and recommends May 18, 2012 as the final date upon which a complete development application may be received for processing in accordance with the prior direction that an application be brought forward for City Council review and consideration prior to December 13, 2012.

8. COUNCIL COMMUNICATIONS

a. Council Referrals

b. Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities.

9. SUCCESSOR AGENCY – None.

10. ADJOURNMENT: There being no further business, Mayor Morrison adjourned the meeting at 8:50 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

GUS MORRISON, Mayor